

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RICHARD F. WHITE JR.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	C. A. No. 05C-53 GMS
	:	
FED EX GROUND PACKAGING	:	
SYSTEMS,	:	
	:	
Defendant.	:	

PLAINTIFF’S TRIAL BRIEF

MICHAEL I. SILVERMAN
SILVERMAN McDONALD & FRIEDMAN
DE BAR ID: 3034
1010 N. Bancroft Parkway
Suite #22
Wilmington, DE 19805
(302)888-2900
Attorney for Plaintiff

A. NATURE OF THE CASE

This matter stems from personal injuries resulting from an automobile accident. The accident occurred on August 27, 2003. Mr. White was proceeding in his work truck on Prospect Avenue in Berlin Township, New Jersey. Mr. White had the right of way in the roadway. A Federal Express truck operated by Thomas Salvo, as agent of the defendant, reversed out of a private driveway and struck Mr. White's vehicle. It is undisputed that the defendant was an agent of Federal Express and operating within the scope of employment therein. Liability and agency is admitted.

As a result of this accident Mr. White had arthroscopic surgeries on both shoulders caused by pain radiating into his arms and hands. Mr. White sustained permanent injuries to his shoulders. He also underwent injections including nerve blocks to his lower cervical and upper thoracic spine. Mr. White sustained permanent injuries to his cervical and thoracic spine. Mr. White also had pain in his left leg as a result of the accident. Mr. White continues to be symptomatic from injuries resulting from this accident. Mr. White has incurred medical bills in excess of \$118,000.

Plaintiff does not believe that there is an issue as to causation. Dr. Peter Bandera, Dr. Randeep Kahlon, and Dr. Frank Falco will testify that the injuries to Mr. White's shoulders, neck, and back are causally related to the accident of August 27, 2003. They will also testify that the injuries to Mr. White's shoulders, neck and back are permanent in nature. The doctors will also testify that the medical bills are reasonable, necessary, and related to the accident and that future medical care is recommended. Further, the defense medical examiner, Dr. Andrew Gelman, provided a report which confirms certain injuries stemming from this accident.

B.-C. PLAINTIFF'S THEORY OF LIABILITY

Liability is admitted in this case. The remaining issue is damages caused by the accident. With regard to causation, Dr. Peter Bandera, Dr. Randeep Kahlon, and Dr. Frank Falco will testify

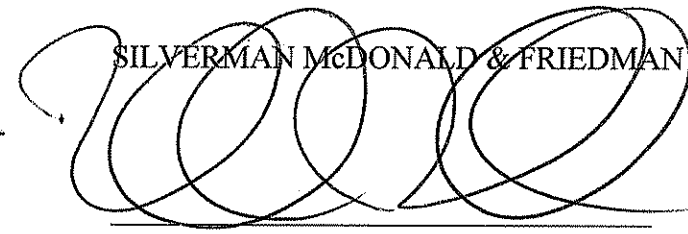
that the injuries and subsequent treatment of Mr. White's shoulders, neck, and back are causally related to the accident of August 27, 2003.

E. PLAINTIFF'S DAMAGES

As a result of this accident Mr. White had arthroscopic surgeries on both shoulders as a result of pain radiating into his arms and hands. Mr. White sustained permanent injuries to his shoulders. He also underwent injections including nerve blocks to his lower cervical and upper thoracic spine. Mr. White sustained permanent injuries to his cervical and thoracic spine. Mr. White also had pain in his left leg as a result of the accident. Mr. White continues to be symptomatic from injuries resulting from this accident. Mr. White has incurred medical bills in excess of \$118,000. Further, Geoff Langdon, CPA will testify about the present value of the projected need for future medical care.

F. ANTICIPATED MOTION FOR A DIRECTED VERDICT

Plaintiff does not anticipate any Motion for a Directed Verdict.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above the printed name and address.

MICHAEL I. SILVERMAN
DE BAR ID: 3034
1010 N. Bancroft Parkway
Suite #22
Wilmington, DE 19805
(302)888-2900
Attorney for Plaintiff

Dated: May 15, 2006